



FILED

07-20-06

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for a Certificate of Public Convenience and Necessity Concerning the Devers-Palo Verde No. 2 Transmission Line Project.

Application 05-04-015
(Filed April 11, 2005)

Order Instituting Investigation on the Commission's Own Motion into Methodology for Economic Assessment of Transmission Projects.

Investigation 05-06-041
(Filed June 30, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING ON
THE UTILITY REFORM NETWORK NOTICE OF INTENT
TO CLAIM COMPENSATION**

Summary

On August 19, 2005, The Utility Reform Network (TURN) filed a Notice of Intent to Claim Intervenor Compensation (NOI) in these coordinated proceedings. Southern California Edison Company (SCE) filed a response on September 12, 2005. SCE does not dispute TURN's eligibility for compensation in the two proceedings, but requests that TURN delineate the costs for services it performs in each proceeding so that the Commission can allocate TURN's costs in Investigation (I.) 05-06-041 to the three respondent utilities.

This ruling determines that TURN is eligible to file a claim for an award of compensation in Application 05-04-015 and I.05-06-041. A finding of eligibility to claim intervenor compensation does not assure an award of compensation. In its

request for compensation, TURN must demonstrate that it satisfies the substantial contribution requirement (Sections (§§) 1802(i) and 1802.5).¹

Timely Filing

A prehearing conference (PHC) was held on July 20, 2005. The NOI was filed on August 19, 2005. The NOI was filed within 30 days of the PHC (§ 1804(a)(1)). The filing is timely.

Customer Status

Pursuant to Decision 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and identify whether the intervenor is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. TURN indicates that it is an organization that is authorized by its articles of incorporation to represent the interests of residential ratepayers. TURN meets the requirements of the last definition of customer.

Nature and Extent of Planned Participation

The NOI must include a statement of the nature and extent of the customer's planned participation as far as it is possible to set out when the NOI is filed (§ 1804(a)(2)(A)(i)). In its NOI, TURN states that it has not yet determined the full extent of its participation in these proceedings. TURN states that it will review the application for the Devers-Palo Verde No. 2 transmission project and may present testimony and briefing regarding the project. TURN anticipates participating actively in the investigation portion of the proceeding

¹ All code section references are to the Public Utilities Code.

with respect to the economic methodology for evaluating future transmission projects.

Itemized Estimate of Costs of Participation

An NOI must include an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed (§ 1804(a)(2)(A)(ii)). TURN estimates that it may request compensation in the amount of \$110,000:

\$ 74,250	150 hours of professional time by Michel P. Florio @ \$495/hour
30,000	150 hours of consultant time @ \$200/hour
5,750	Other direct expenses
<hr/>	
\$110,000	Total

TURN states that the actual amount of any future request for compensation will depend upon the amount of resources TURN ends up devoting to the proceeding, as well as the Commission's ultimate decision in this case.

Significant Financial Hardship

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in its NOI.

As defined in § 1802(g), "'Significant financial hardship' means either that the customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization,

the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.”

Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied.

In its NOI, TURN made a showing of significant financial hardship through a rebuttal presumption of eligibility, as allowed by § 1804(b), because it was found eligible in another proceeding, Rulemaking 04-04-003 within one year of the start of these proceedings, by a ruling dated July 27, 2004.

Unproductive or Unnecessary Participation

Regarding the statement in § 1801.3(f) about the need to avoid unproductive or unnecessary participation, TURN’s NOI states that, although TURN and the Division of Ratepayer Advocates (DRA) both represent ratepayer interests, TURN only represents the interests of residential and small commercial customers. TURN states that it will coordinate, as much as possible, with DRA and with other intervenors in order to avoid unnecessary duplication of effort.

Therefore, **IT IS RULED** that:

1. The Utility Reform Network (TURN) has met the eligibility requirements of Pub. Util. Code § 1804(a).
2. TURN is a customer as that term is defined in § 1802(b).
3. TURN has established significant financial hardship.
4. TURN is found eligible for compensation in Application 05-04-015 and I.05-06-041 subject to a finding of substantial contribution.

Dated July 20, 2006, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst

Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 20, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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